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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,486	07/23/2003	Hiroyasu Abe	X2007.0134	7817

32172 7590 05/06/2005

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EXAMINER

DIXON, MERRICK L

ART UNIT PAPER NUMBER

1774

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,486

Applicant(s)

ABE ET AL.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


MERRICK DIXON
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7-23-03 & 2-25-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The abstract of the disclosure is objected to because it includes the legal word, "comprises". Correction is required. See MPEP § 608.01(b).

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (US 6008440) in view of European Patent (EP 0711655 A2).

The primary reference to Yamada teaches the basic claimed invention including a method for making wood elements for musical instrument comprising laminating resin coated wooden plate units and bonding same via pressure means- col 2, lines 1-14, col 3, lines 19-54; col 6, lines 1-11. The reference further teaches alignment of its units in col 5, lines 63-67. The primary reference, although teaches pressure bonding means(col 3, line 49) and further discloses density for its body in col 4, line 54, fails to teach such bonding means be thermal pressing. The secondary European reference, however, teaches that it is known in the art to laminate wooden plate units, as taught by

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the primary reference, via thermal pressing- col 2, line 1-4; col 3, lines 36-43. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary European patent and thermal press the laminate of the primary reference in the absence of unexpected results. Both the European patent and Yamada are combinable as both relate to laminated frame articles(Yamada: col 2, line 18; European patent: col 2, line 18). Concerning claims 2 and 7, the secondary reference teaches paper portions for its wooden material- col 1, lines 50-58. Concerning claims 3 and 4, the cited primary reference teaches musical product in col 5, lines 57-62. Concerning claim 5, the cited references all teach multi-lamination processes for their respective steps and densities for the respective laminates . Secondary European reference: col 3, lines 11-31 and Yamada: col 5, lines 13-30; col 4, line 54. Concerning claims 6, the secondary reference teaches controlling the pressure application step in col 2, lines 1-4. Concerning claims 8 and 9, the primary reference teaches musical articles in col 1, lines 55; col 5, lines 58-62.

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Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (US 6008440) alone.

The reference teaches claimed wood elements for musical devices comprising aligned wooden plate units, of specific thickness and densities- col 4, lines 55; col 4, line 61; col 5, lines 63-67. It would have been obvious to one of ordinary skill in the art at the time

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the invention is made to 'manipulation' the layers during their respective formations to obtain manipulated the resulting claimed densities and thickness of the article, in the absence of unexpected results. Such manipulation would involve mere changes in size (thickness) of the respective layers. Such change in size of the layer is obvious and generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.

The fax number for all other fascimile is 703-872-9306.

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

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Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern time . The examiner's supervisor, Mrs. Rena Dye, can be reached at 571-272-3186.

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a stylized, flowing script.

Merrick Dixon

Primary Examiner

Group 1700